
Appeal Decision

Site visit made on 19 March 2025

by H Faulkner BSc (Hons) MSc PGCE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 May 2025

Appeal Ref: APP/D0840/W/24/3350576

Land at Tredrizzick, Tredrizzick, St Minver, Wadebridge PL27 6PB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Nigel Buse against the decision of Cornwall Council.
 - The application Ref is PA24/00117.
The development proposed is the installation of a new field gateway, 6.0m in width.
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Decision

1. The appeal is allowed and planning permission is granted for the installation of a new field gateway, 6.0m in width at Land at Tredrizzick, Tredrizzick, St Minver, Wadebridge PL27 6PB in accordance with the terms of the application, Ref PA24/00117 and the plans submitted with it, subject to the conditions in the attached schedule.

Procedural Matters

2. The Council have drawn to my attention that they have previously refused planning permission for a new access and construction of an entrance track to Tredrizzick Barn including a turning and parking area (Council ref: PA21/03078). Based on the evidence before me, the position of the proposed accesses are broadly similar. However, the proposal before me is different insofar as it seeks planning permission for only the proposed access. Furthermore, there is no evidence before me that the previous planning decision has been subject of an appeal. I, therefore, necessarily determine this appeal proposal on its own merits
3. Since the Council made its decision, a revised version of the National Planning Policy Framework (the Framework) was published in December 2024. References to relevant paragraphs of the Framework in this decision have, therefore, been updated as appropriate

Main Issue

4. The effect of the proposed field gate on the character and appearance of the area.

Reasons

5. The site lies adjacent to Rock Road towards the edge of the village of Tredrizzick. Whilst there are more considerable clusters of continuous development on the opposite side of the road, there is only a group of houses that directly adjoin the western side of the site. Otherwise there are intervening fields beyond the other boundaries of the site, which provide visual separation to the nearest houses further along Rock Road.

6. The boundary adjacent to the road is formed of a hedge, including trees and a Cornish bank. There is an open concrete area with a low wall to the side beyond the appeal site and within the highway frontage beyond the site there is an existing field gate providing access to an adjacent field, albeit some distance from the existing group of properties. The site, therefore, has a rural character as part of the open countryside beyond the built-up area of the settlement.
7. The proposed gate would provide a new access to a field which slopes away from the road, that would be closer to the existing group of properties adjoining the side of the site. The proposal would involve the removal of some hedge, bank and trees to facilitate the provision of the gates, surfacing of the new access and visibility splays. However, I observed that accesses to fields including the agricultural style field gate proposed, are not uncommon features of the rural area and rather are characteristic of it. The assimilation of the proposed gates into the rural surroundings would be assisted by their position set back behind the line of existing field boundary and visual permeability.
8. The access proposed would result in only a small additional incursion within the existing roadside site boundary that is of considerable length. As such it would result in only a modest change that would not unacceptably erode the characteristic sense of enclosure provided by the existing site boundary alongside Rock Road. It follows that I consider that it would not undermine its contribution to the visual transition between the built-up area and the countryside.
9. The removal of a section of the bank, hedge and some trees are a necessary consequence of the provision of the access and the visibility splays. The appellant has detailed that they could potentially remove the hedge without the need for further permissions. Only a small section of hedge would be completely removed, other sections would be cut back, set back or lowered. The proposal may result in some visual change, however, the provision and implementation of a landscaping scheme would provide suitable mitigation. Whilst the hedge provides a verdant edge to the field its partial removal opens up views to the countryside and would be consistent with the character of the area and would not be visually harmful.
10. The assessments provided in the Cornwall Character Area Study (2023) reference field patterns and discourages hedge removal in the Cornwall Character Area CCA28 Camel Estuary within which the appeal site is located. The proposal does not alter the field pattern in the area and whilst a small section of hedge is removed to create the opening it will remain largely unaltered. Additional planting can be conditioned to ensure there are no unacceptable impacts arising from the limited section of existing hedge/trees to be removed.
11. Policy 2 of the Cornwall Local Plan (LP) relates to the spatial strategy with part 1 requiring proposals to maintain and respect the local character of Cornwall. The development meets the aims of the policy as it shows an aesthetic understanding of its location, along with the impact on biodiversity considering the findings of the ecological report and the proposed landscaping. The character and of the setting of the settlement not being unacceptably harmed.
12. The design policy in the reason for refusal is Policy 12 of the LP. It seeks high quality safe, sustainable and inclusive design to ensure Cornwall's enduring distinctiveness and maintain its natural and historical character. As detailed above

the provision of an access to an agricultural field would maintain the distinctive natural and historic character.

13. Policy 23 of the LP seeks to sustain local distinctiveness and character and protect and where possible enhance the natural environment. The provision of a field gate is appropriate in terms of rural character and is commensurate with an agricultural use. Agricultural fields form part of the areas character and therefore the provision of an access to one would sustain this, and not appear out of place.
14. Policy C1 of the Climate Emergency Development Plan Document (CE DPD) is a broad overarching policy which contains similar aims to other policies in the LP with regard to conserving or enhancing environments along with high quality design and distinctiveness which the development is found to comply with.
15. Policies from St Miniver Parishes Neighbourhood Development Plan (NDP) are included within the reason for refusal. Policy STMNDP 1.1 relates to specified protected areas which based on the evidence before me do not include the site and therefore, I find no conflict with it. Policy STMNDP1.2 applies to the proposal as the site lies outside of the development areas and existing settlements in the NDP as per my subsequent findings. Relevant to this appeal is a consideration of the intrinsic character and beauty of the countryside, which as explained above would not be unacceptably impacted.
16. Policy STMNDP2 and STMNDP 2.7(vi) of the NDP define the development areas. Part 2.1 sets out the boundaries and parts 2.2, 2.3, 2.4 and 2.5 are not relevant to the proposal. Part 2.6 refers to development which is additional build, rebuild or extension and a field gate would not fall under these categories. Part 2.7 (vi) requires that development will avoid effects on nature conservation, heritage and landscape assets. Further opportunities to increase habitat retention and screening in new developments will be encouraged. The site is not within heritage or landscape designated areas. In any event the works would not result in any landscape harm.
17. A Preliminary Ecological Assessment was provided with the application. The Council have offered no objections with respect to its conclusions or specifically raised concerns in respect of ecological impacts. The site is not in close proximity to statutory and non-statutory designated areas and there is no substantive evidence of the presence of protected species. Suitable mitigation of impacts on biodiversity could be secured by a condition which would ensure that the recommended avoidance measures for nesting birds and mitigation for reptiles and invasive plants during the construction phase. I am, therefore, satisfied that there would not be unacceptable impacts on biodiversity arising from the proposal.
18. Policy ENV1 of the North Cornwall District Local Plan (1999) 'saved' policies (2007) is referenced within the Council's statement but was not included in the reason for refusal. Part 2 relates to development in the countryside and states that they will only be permitted where they are allowed under other policies in the plan and do not have a significant adverse effect on amenity or landscape character. As determined above the proposal would not result in any significant adverse impacts and therefore is not contrary to this policy.
19. The refusal reason states that the social and economic benefits of the proposal would not outweigh the harm to the rural environment. Whilst there would be a change to the appearance of the boundary, I do not find this harmful given the

context. None of the policies provided require any benefits of a proposal to be specifically provided.

20. Having regard to all of the above, I conclude that the introduction of a gate and changes to the hedge and bank would not result in harm to the character and appearance of the area and I find no conflict with Policies 2(1), 12 and 23 of the LP, Policy C1 of the CE DPD and STMNDP1 and STMNDP2 of the NDP, which amongst other things seek good design and maintaining distinctiveness. These policies are consistent with paragraph 8, 135 and 187 of the Framework in seeking development, which is sympathetic to local character, including the surrounding built environment.

Other Matters

21. The Council has not objected to the proposal on any highway safety grounds and there is no evidence before me to suggest that the access would result in unacceptable impacts on highway safety. Visibility splays are provided for the proposed access that would be sufficient to minimise the risk of accidents for vehicles entering and exiting the access with others travelling along Rock Road. Even if the existing access has better visibility, it does not mean that the proposal is unacceptable.
22. Whether the proposed field gate is necessary is not a matter for consideration in accordance with the policies provided. The existing access point is close to residential properties and requires a more convoluted route to the main road, as such taking account of my previous findings, the proposal reflects a reasonable approach which would secure a safe and suitable alternative.
23. In reaching those findings, I have taken into account that the depositing of mud onto the highway could occur as a result of the use of the field access. However, this is a common situation and to my mind, the extent of comings and goings associated with the use of the site would not result in an unacceptable impact on highway safety in that respect and the residential cumulative impacts on the road network would not be severe.

Conditions

24. The Council has provided a list of suggested conditions it considers would be appropriate and these have been reviewed by the appellant. Where pre-commencement conditions are needed the appellant's agreement has been sought. I have assessed the conditions provided with reference to the advice in the Framework and Planning Practice Guidance.
25. The standard time limit is imposed as condition 1 and the approved plans as condition 2 in the interests of certainty.
26. Condition 3 in relation to the surfacing material is reasonable and necessary to secure details of the materials. The plans refer to a 'permeable bound material' and further details are required to ensure the material is visually appropriate and also suitable for the management of surface water. Further details in respect of drainage are not needed as a permeable surface would be sufficient in this context given the scale of the works proposed. The condition suggested by the Council in that respect is therefore not necessary to make the development acceptable and cannot be imposed.

27. Conditions 4 and 5 are necessary to ensure that where needed trees are retained and protected and additional planting is incorporated to mitigate for the loss of parts of the hedge. It is also reasonable to ensure that any plants or trees which die in the first 5 years are replaced.
28. Conditions 6 and 7 relating clearance work and ecological mitigation measures are needed to ensure that biodiversity is suitably protected.

Conclusion

29. Having regard to all of the relevant policies, subject to the conditions set out in the attached schedule, the proposal would be in accordance with the development plan as a whole. There would be no unacceptable impacts or harm and no conflict with the Framework. It follows that the material considerations in this case do not indicate that this appeal should be determined otherwise than in accordance with the development plan.

H Faulkner

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: E442322.01, P442322.01 and P4423220.2.
- 3) The construction of the surfacing of the access hereby permitted shall not commence until details/samples of the materials to be used have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 4) No development shall commence until there has been submitted to and approved in writing by the local planning authority a scheme of landscaping. The scheme shall include indications of all existing trees and hedgerows on the land situated within the application site, identify those to be retained and set out measures for their protection throughout the course of development.
- 5) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 6) No tree/hedge clearance work shall be carried out between 1 March and 31 August inclusive in any year, unless the site has been surveyed in advance for nesting birds and a scheme to protect nesting birds has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.
- 7) The development hereby permitted shall be implemented in accordance with the recommended mitigation measures during the construction phase for reptiles and invasive plants as set out in the Preliminary Ecological Appraisal prepared by Wheal Grey Ecology Ltd dated May 2021/April 2023, unless otherwise agreed in writing by the Local Planning Authority.